

## Exhibit "A"

August 16, 2006

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for August 1 through August 15, 2006

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of August 1 through August 15, 2006. This report will describe the claims and the dispositions or status of these claims.

### **ALLOWED/SETTLED CLAIMS:**

**Molly Beckman** filed a claim during the month of February, 2006, in an unspecified amount for injury allegedly incurred while she was a passenger on an Aging Division van. This claim has been reviewed by this office and has been **settled** in the amount of \$3,500.

**Mike Naylor** filed a claim during the month of June, 2006, in the amount of \$221.50 for damage incurred to windshield of vehicle when struck by rocks thrown from a City mower. This claim has been reviewed by this office and has been **allowed** in the amount of \$221.50.

**Wyuka Cemetery** filed a claim during the month of July, 2006, in the amount of \$360.00 for fish in storm water detention pond that were allegedly killed when chlorinated water was discharged from the water main construction along "O" Street. This claim has been reviewed by this office and has been **settled** in the amount of \$150.00.

**Ai Minh Le** filed a claim during the month of July, 2006, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim has been reviewed by this office and has been **settled** in the amount of \$3,000.

**Dan Ehly** filed a claim during the month of July, 2006, in the amount of \$3,996.72 for damage incurred to vehicle as the result of an accident involving a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$3,953.08.

**Dianne Crouse** filed a claim during the month of August, 2006, in the amount of \$1,892.10 for damage incurred to vehicle when struck by an Aging Division vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,892.10.

**John Hundtoft** filed a claim during the month of August, 2006, in the amount of \$100 for reimbursement of improper registration fine. This claim has been reviewed by this office and has been **allowed** in the amount of \$100.

**Josh Nelson** filed a claim during the month of August, 2006, in the amount of \$100 for reimbursement of improper registration fine. This claim has been reviewed by this office and has been **allowed** in the amount of \$100.

#### **DENIED CLAIMS:**

**Laura McNemar** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim has been **denied** for lack of response from claimant.

**Linda N. Brown** filed a claim during the month of February, 2006, in the amount of \$196,879.59 for injury allegedly incurred as the result of a fall on sidewalk. This claim has been reviewed by this office and has been **denied**.

**Bob Stuart** filed a claim during the month of August, 2006, in the amount of \$854.20 for damage allegedly incurred to vehicle at railroad crossing. This claim has been reviewed by this office and has been **denied**.

**Mark Loseke** filed a claim during the month of August, 2006, in the amount of \$2,755.00 for expense incurred for repair of sewer line which claimant alleges was damaged during a water main project. This claim has been reviewed by this office and has been **denied**.

**Steve Tarr** filed a claim during the month of August, 2006, in the amount of \$25,000 for alleged damages incurred as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **denied**.

#### **WITHDRAWN CLAIM:**

**Shannon Johnson** filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been **withdrawn** by counsel for claimant preparatory to filing litigation.

#### **PENDING CLAIMS:**

**Richard Kister** filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**American Family Insurance Group (Claim No. 00-071-423264-0422/Shannon Johnson, Insured)** filed a subrogation claim in the amount of \$5,000 for payment of medical expenses incurred as the result of an accident involving insured and a Lincoln police vehicle. This claim is under review and is **pending**.

**Thomas Beran and Carol Beran, husband and wife, individually, and as natural guardians and next friend of Brady Beran**, filed a claim during the month of September, 2005, in an unspecified amount. Claimants allege that as a result of acts and omissions of the City, injuries that Brady Beran incurred during a high school football game were not promptly treated and that the delayed treatment caused exacerbated injuries. This claim is under review and is **pending**.

**Charles Teeters and Kristina Teeters** filed a claim during the month of October, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage claim was settled by the Risk Management Office in the amount of \$2,879.16. The personal injury portion of this claim is **pending**. **Motor Club Insurance Association (Claim No. 040951/Charles Teeters, Insured)** has filed a subrogation claim in the amount of \$3,635.60 for payment of medical expenses incurred as a result of the accident involving insured and the StarTran bus. This claim is under review and is **pending**.

**Lillian Irene Gembler** filed a claim during the month of November, 2005, in the amount of \$4,355,000 for injuries incurred when claimant was struck by a vehicle as she was walking in the crosswalk at 11<sup>th</sup> & “O” Street. The vehicle that struck claimant is owned by the City of Lincoln and was being driven by an employee of the Downtown Lincoln Association. This claim is under review and is **pending**.

**Azim Ebrahim** filed a claim during the month of March, 2006, in an unspecified amount for injury incurred when claimant allegedly slipped on ice at the parking lot at 427 South 10<sup>th</sup> Street. This claim has been referred to the insurance carrier for processing.

**Teresa K. McKeon** filed a claim during the month of April, 2006, in an unspecified amount for damages incurred as the result of an accident involving a street sweeper. This claim is under review and is **pending**.

**Robyn Spaeth** filed a claim during the month of April, 2006, in the amount of \$665.49 for damage incurred to vehicle when it was struck by an errant golf ball from Mahoney Golf Course. This claim has been referred to the insurer for the manager of the golf course and is **pending**.

**Arlene Brubaker** filed a claim during the month of April, 2006, in an unspecified amount for injury incurred while claimant was a passenger on a StarTran handivan. This claim is under review and is **pending**.

**Richard Zierke** filed a claim during the month of May, 2006, in an unspecified amount for damage incurred to sod allegedly as the result of “Roundup” sprayed by City personnel. This claim is under review and is **pending**.

**Tyson Poskochil** filed a claim during the month of May, 2006, in the amount of \$3,584.28 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Bill Crawford** filed a claim during the month of May, 2006, in an unspecified amount for injury incurred when claimant’s wheelchair tipped over while he was a passenger on a StarTran handivan. This claim is under review and is **pending**.

**State Farm Insurance (Claim No. 27-7735-503/Yaroslav Krasivsky, Insured)** filed a subrogation claim during the month of May, 2006, in an unspecified amount resulting from a motor vehicle accident involving its insured and a vehicle driven by an employee of the Aging Division. This claim is under review and is **pending**.

**Laurie A. Colburn** filed a claim during the month of May, 2006, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving her vehicle driven by her daughter, Jessica Colburn, and two L.E.S. vehicles. The property damage portion of this claim was settled by the Risk Management Office in the amount of \$3,000. The personal injury claim is under review and is **pending**.

**Rod Laschanzky and Penny Laschanzky** filed a claim during the month of June, 2006, in an unspecified amount for injury incurred to their minor daughter, Allison, when she tripped on a speed bump on Old Glory Road. This claim is under review and is **pending**.

**Tyler Millsap and Michelle Millsap** filed a claim during the month of July, 2006, in an unspecified amount for injury incurred to their minor child at Star City Shores. This claim is under review and is **pending**.

**Sandy Dorn** filed a claim during the month of August, 2006, in the amount of \$900.00 for damage incurred as the result of broken water meter. This claim is under review and is **pending**.

**Ava M. Obst** filed a claim during the month of August, 2006, in the amount of \$5,314.40 for damage incurred to vehicle when it was driven into an excavation in the street. This claim is under review and is **pending**.

**Distribution, Inc.** filed a claim during the month of August, 2006, in the amount of \$22,154.44 for charges billed for water service and for the attempted abandonment of an unused water line. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**Sandra Mueller** filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. A suit was filed in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

**Suzanne Cain** filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. A suit was filed in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

**Barbara Poppe and Arthur Poppe** filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. A suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

**Allied Insurance (Claim No. 26E29478/Allan Albers, Insured)** filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. A suit was filed in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

**Donna Lilly and Michael Lilly** filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. A suit was filed in the Lancaster County District Court on March 23, 2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$34,000 and general damages. On February 22, 2006, the City of Lincoln and Lancaster County were **dismissed** from the suit. The only remaining defendant is the Public Building Commission.

**Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez** filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. A suit was filed in the Lancaster County District Court on April 28, 2005, naming Lincoln Police Officer Champoux and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$21,872.55, future medical expenses, and general damages for pain and suffering. Litigation is **pending**.

**Kim Roehrs-Lary** filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. A suit was filed in the Lancaster County District Court on September 7, 2005, naming the City of Lincoln and Bethany Christian Church as Defendants. Litigation is **pending**.

**Ashley S. Chaves** filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln fire truck. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 17, 2005. A suit was filed in the Lancaster County Court on December 13, 2005, naming the City of Lincoln and Kenton P. Schuster as Defendants. Litigation is **pending**.

**Ettamae Branstetter** filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Eisley Library struck the claimant as she was exiting the Library causing her to fall. Claimant was a volunteer at the Library. This claim was reviewed by this office and denial of this claim was approved by the City Council on March 6, 2006. A Complaint was filed in the Lancaster County District Court on April 19, 2006. Litigation is **pending**.

**Troy Stonacek and Shari Stonacek** filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

**Beri Hershberger** filed a claim during the month of May, 2005, in the amount of \$7,175.35 for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 6, 2005. A Complaint was filed in the Lancaster County Court on May 25, 2006. Litigation is **pending**.

**Allied Insurance (Claim No. 26E60638/Julie Chilcott, Insured)** filed a claim during the month of April, 2006, in the amount of \$3,192.88 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and denial of this claim was approved by the City Council on June 26, 2006. A suit was filed in the Lancaster County Court on August 8, 2006. Litigation is **pending**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management